

**IN THE CLAIMS:**

**Please amend the claims as follows:**

1 (Currently Amended). A method comprising:

determining in real time whether information guaranteed a fixed amount of bandwidth for a fixed length of time scheduled to be broadcast digitally is actually utilizing all bandwidth previously allocated to broadcasting the information; and  
if not, broadcasting additional information using an unused portion of the previously allocated bandwidth.

2. (Original) The method of claim 1 further comprising limiting the amount of additional information to a preset percentage of the total available bandwidth.

3. (Original) The method of claim 1 including determining in real-time whether additional information can be broadcast over a portion of the previously allocated bandwidth that is actually unused.

4. (Original) The method of claim 2 wherein said broadcasting of a portion of the additional information is stopped when the preset percentage is reached.

5. (Original) The method of claim 4 wherein said broadcasting the portion of the additional information to be stopped is selected based upon at least one of content provider, bandwidth range and sequence of content provision.

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6. (Previously Presented) The method of claim 1 including determining in real-time whether there is any unallocated bandwidth; and, if there is unallocated bandwidth with respect to a particular timeframe, broadcasting supplementary information to occupy at least a portion of the unallocated bandwidth during the particular timeframe.

7. (Original) The method of claim 6 including determining in advance of the particular timeframe whether the supplementary information can be broadcast over the unallocated bandwidth.

8. (Currently Amended) A digital communication system comprising:

an automated management system that controls scheduling of digital broadcasts, and is configured to determine in real time whether information guaranteed a fixed amount of bandwidth for a fixed length of time scheduled to be broadcast actually utilizes all bandwidth previously allocated to broadcasting the information, and if not, to broadcast additional information using an unused portion of the previously allocated bandwidth.

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9. (Original) The digital communication system of claim 8 wherein the automated management system is configured to limit the amount of additional information to a preset percentage of the total available bandwidth.

10. (Original) The digital communication system of claim 8 wherein the automated management system is configured to determine whether additional information can be broadcast over a portion of the previously allocated bandwidth that is actually unused.

11. (Original) The digital communication system of claim 9 wherein the system is configured to stop the broadcast of a portion of the additional information when the preset percentage is reached.

12. (Original) The digital communication system of claim 11 wherein the system is configured to select the portion of the additional information to be stopped based on at least one of content provider, bandwidth range, and sequence of content provision.

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13. (Original) The digital communication system of claim 8 wherein the automated management system is configured to determine whether there is any unallocated bandwidth; and, if there is unallocated bandwidth with respect to a particular timeframe, the system is configured to broadcast supplementary information to occupy at least a portion of the unallocated bandwidth during the particular timeframe.

14. (Original) The digital communication system of claim 13 wherein the automated management system is configured to determine in advance of the particular timeframe whether the supplementary information can be broadcast over the unallocated bandwidth.

15. (Currently Amended) An article comprising a computer-readable medium

which stores computer-executable instructions for causing a computer system to:

determine in real time whether information guaranteed a fixed amount of bandwidth for a fixed length of time scheduled to be broadcast over a digital network is actually utilizing all bandwidth previously allocated to broadcasting the information; and

if not, broadcast additional information using an unused portion of the previously allocated bandwidth.

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16. (Original) The article of claim 15 which further stores instructions that cause the computer system to limit the amount of additional information to a preset percentage of the available bandwidth.

17. (Original) The article of claim 15 which further stores instructions that cause the computer system to determine whether additional information can be broadcast over a portion of the previously allocated bandwidth that is actually unused.

18. (Original) The article of claim 16 which further stores instructions that cause

the computer system to stop broadcasting a portion of additional information when the preset percentage is reached.

19. (Original) The article of claim 18 which further stores instructions that cause a computer to stop broadcasting a portion of the additional information and wherein the portion of the additional information is selected based on at least one of content provider, bandwidth range and sequence of content provision.

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20. (Original) The article of claim 15 which further stores instructions that cause a computer to determine in real-time whether there is any unallocated bandwidth; and, if there is unallocated bandwidth with respect to a particular timeframe, broadcasting supplementary information to occupy at least a portion of the unallocated bandwidth during the particular timeframe.

21. (Currently Amended) A digital communication system comprising:  
a bandwidth pipe operable to transport digital information, the information comprising guaranteed content and opportunistic content, the guaranteed content guaranteed a fixed amount of bandwidth for a fixed length of time;

a monitor to determine in real time bandwidth usage in the bandwidth pipe;

a system manager to broadcast additional information opportunistic content if there is available bandwidth in the bandwidth pipe, using an unused portion of the bandwidth pipe previously allocated bandwidth; to the guaranteed content.

22. (Currently Amended) The digital communication system of claim 21 wherein the system manager limits the amount of additional information opportunistic content to a preset percentage of the total available bandwidth.

23-24. (Cancelled)